United Nations A/HRC/28/NGO/145

General Assembly

Distr.: General
27 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations require the Council's attention

Written statement* submitted by the International Association against Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03791 (E)
1503791

Please recycle

Towards Accountability and Justice for Iraq

March 20, 2003 marks a dark day in the history of the 21st century. On that day, the United States and its allies, mainly the United Kingdom, led an illegal war on the independent UN member state of Iraq, resulting in a devastating occupation. Twelve years after the invasion, the full scale of the destruction has become apparent, yet the injustice inflicted has still not been properly rectified – be it morally, materially or any other way.

Until this day, the people of Iraq are waiting in vain for an official apology, the perpetrators to be held accountable and compensation to be paid. Correctly acknowledge and address injustice, ending impunity for perpetrators of mass atrocities and providing measures of satisfaction however is the only way to uphold the moral authority of the international community, prevent future atrocities and create sustainable peace.

Future generations will wonder why so many were silent when the very foundations of the United Nations Charter were violated, including the principles of sovereign equality of states and non-intervention, the validity and respect for international treaties, or the respect and promotion of human rights, democracy, and the peaceful resolution of conflicts? How could morality, justice and law be trampled over with impunity in front of the UN Security Council, states and individuals? And finally, how was it possible that an event so recent could be so completely forgotten?

Truly effective measures have to be taken for Iraq. The widespread and systematic human rights violations committed during the sanctions and under the invasion and occupation must be investigated by an independent international body, perpetrators need to be brought to justice and victims have to get their rights restored.

Supreme international crimes

The economic sanctions imposed by the UN Security Council on Iraq in 1990 were a 'faulty punitive measure(s) and represented clear violations of international law.'[1] The sanctions remained in place for almost thirteen years despite their harsh and known impact on innocent Iraqi civilians. The USA and U.K. had been most vocal in maintaining sanctions.

The immediate consequence of the sanctions was a dramatic fall in living standards, the collapse of the infrastructure, health and education systems and a serious decline in the availability of other public services, exemplified by a decline in life expectancy, increased infant and child mortality.[2] The sanctions resulted in the death of 1,5 million Iraqi, out of which half million were children. Some therefore would go as far as to marking charge of genocide.[3]

The decision was taken unilaterally by the US and its allies based on the false claim that Iraq possessed weapons of mass destruction. Also the invasion and subsequent occupation of Iraq in 2003 were in a clear breach of Article 2 (4) of the UN Charter accompanied by grave violations of the Geneva Conventions of 1949 and the 1977 Protocols.

Thus, the war on Iraq was a war of aggression, which according to the International Military Tribunal of Nuremberg "is not only an international crime; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole." An act of aggression is further recognized as an international

---

[1] "*The effects of sanctions on Iraq*", *Hans Von Sponeck*, 9 November, 2001 at: http://www.youtube.com/watch?feature=player_embedded&v=83-encHyPrw

[2] Infant mortality rates between 1994 and 1999 rose to 108 per 1,000.[2] Child mortality rate, which refers to children between the age of one and five years, also drastically increased from 56 to 131 per 1,000.

[3] "*The Adverse Consequences of the Economic Sanctions on the Enjoyment of Human Rights*", Working Paper prepared by Mr. Marc Bossuyt, E/CN.4/Sub.2/2000/33, 21 June, 2000.

crime in the Rome Statute of the International Criminal Court. Injustice inflicted on Iraq therefore must be addressed as a serious crime and all responsible be held accountable.[4]

The Suffering

The suffering inflicted on the Iraqi people is still widely ignored by the international community. No justice has been found for all those Iraqi who died as a direct result of the invasion.[5] Various estimations suggest figures to be from 1.5 up to 2 million Iraqi civilians who died as a result to the US invasion and occupation. We should also not forget that almost 5 million children have lost a parent and about estimated 5 million internally and externally displaced people (up to 20% of the Iraqi population) who more often than not often live in dire conditions of extreme poverty[6] and who are subjected to multiple displacements.[7]

Amid the worrying figures is also the number of missing people as a consequence of the war. Different estimations range from 250.000 up to one million[8]. Their traces vanished[9] in the chaos of war and occupation, during which targeted attacks, arbitrary arrests and extrajudicial executions occurred on a regular scale and continue until today. Although the right to truth related to enforced disappearances is recognized in a number of international instruments[10] and essential to end psychological torture and for societal healing to take place,[11] thousands of Iraqi families have been left alone by both, the US and the Iraqi governments, in search for their relatives so far.

The situation reflects the failure of the US and UK to hold their troops accountable for abuses in detention and extra judicial killings. The impunity with which these forces operated has paved the way for the current government to make excuses for abuses, failure of law and public order and lack of accountability.

Before the war, women in Iraq made important advances in regards to access to education, health care, family rights, the right to serve in the government and active involvement in the political life and economic sphere. The US-invasion and occupation of Iraq further worsened the situation of women, which had already deteriorated seriously during the UN sanctions. Several NGOs documented a wave of sexual violence and abductions against women in Baghdad following

---

[4] *"International court could try Iraq war crimes"*. N Fermuoz, San Jose, 26 March, 2003 at:http://www.lawyersagainstthewar.org/legalarticles/icc.html

[5] Without deaths among the millions of displaced Iraqis. Academic estimates range from less than half a million to more than a million. John Tirman, the principal research scientist at the MIT Centre for International Studies, has examined all the credible estimates and found that average figures suggest roughly 700,000. The guardian, 7 February 2014, "The truth about the criminal bloodbath in Iraq can't be 'countered' indefinitely" http://www.theguardian.com/commentisfree/2014/feb/07/west-criminal-bloodbath-iraq-media-cover-up?CMP=fb_gu

[6] *"10 years on: 'Living in prolonged limbo'"*.International Rescue Committee: Iraq, at:http://www.rescue.org/blog/iraq-10-years-living-prolonged-limbo

[7] 2014 UNHCR country operations profile – Iraq, athttp://www.unhcr.org/pages/49e486426.html

[8] A report issued by the International Red Cross in 2009 noted that the number of missing in Iraq has reached one million people.

[9] *"Restoring Names to War's Unknown Casualties"* at: http://www.nytimes.com/2010/08/31/world/middleeast/31legacy.html?_r=2&hp

[10] Working Group on Enforced or Involuntary Disappearances, General Comment on the Right to the Truth in Relation to Enforced Disappearances http://www.ohchr.org/Documents/Issues/Disappearances/GC-right_to_the_truth.pdf

[11] *"The right to the truth in international law: fact or fiction?"*Yasmin Naqviat: http://www.icrc.org/eng/assets/files/other/irrc_862_naqvi.pdf

the invasion.[12] Accusations were made against the invading armies of abuses and rapes. Many women were taken hostage, tortured, and sexually abused.[13]

In the present-day Iraq, women continue experiencing widespread human rights violations. The government forces, militias and terrorist groups, intimidate girls and women through physical violence, sexual harassment or rape. Using the environment created by the war. Sexual abuse as a method of torture against female prisoners is not confined to the notorious Abu Ghraib prison.[14]

The main issue at hand here is the huge failure by the courts to investigate allegations of abuse and hold the abusers responsible and accountable, which encourages police and security forces to falsify confessions and continue the use torture and sexual assault.[15] Women's rights are nothing more than mere words introduced by the US and British occupying forces while the reality of Iraqi women is a life of fear and violence after the invasion.

The environment falls victim to the catastrophic Anglo-American-led war and occupation and the use of unlawful weapons, but the effects of most dire concern are those that have befallen the Iraqi population. In a serious breach of the international law, the coalition forces used thousands of tons of white phosphorous[16] and depleted uranium ammunition during the war, which contain high levels of radiation and toxics that have dangerous and enduring health-related effects. The dark consequences of this grave disregard for the law and human life have been materializing at a rapid rate over the past few years in the form of horrific physical deformities and illnesses. They remain however largely ignored by the international community and the perpetrators continue to evade responsibility and justice.[17]

Following many years of sanctions, the 2003 invasion has further destroyed the country's **infrastructure**. This can be seen in the current state of all public services. As of February 2015, Iraq's electrical infrastructure, oil industry, irrigation network, bridges, roads, water, sewage treatment, airfields, communication systems, factories, and ports continue to be in a very poor state.

Prior to the invasion, the Iraqi health and educational systems[18] were considered to be the most advanced in the region. During the 1970s, subsequent to the oil industry being nationalized, a centralized system of **healthcare** was established in Iraq[19]. Now, health care in Iraq almost doesn't exist, most of the experienced physicians had left the country to protect their lives.

---

[12]Human Rights Watch (2003) athttp://www.hrw.org/reports/2003/07/15/climate-fear-0

[13]Global Research (2005) athttp://www.globalresearch.ca/iraqi-women-under-us-occupation/158

[14]*Ibid*

[15]*Ibid*

[16]The US has admitted that it used phosphorous bombs in Iraq, although it denies that it was used against civilians at http://www.thetimes.co.uk/tto/news/world/middleeast/iraq/article1993511.ece

[17]- The calculations indicate that the inhalation of depleted uranium dust from the weapons used in Iraq may cause an additional 3 million deaths. This is approximately 11% of the country's total population of 27 million *"Depleted Uranium – Far Worse Than 9/11"*, Doug Westerman, Global Research, 3 May 2006 at: http://www.globalresearch.ca/depleted-uranium-far-worse-than-9-11/2374

[18]*Ibid 1*

[19] - The country's immense oil reserves were used to pay for free healthcare, medication and medical equipment, including foreign healthcare workers.

The educational system was one of the best in the region with over 100% gross enrolment rate for primary schooling and high levels of literacy, both of men and women. UNICEF statistic report of 2015 put the total adult literacy rate in Iraq at 79% for the period 2009/2013.[20].

Conclusion

For accountability and justice in Iraq to be achieved and to bring an end to the suffering of Iraqi people and to prevent future atrocities, concrete actions should be undertaken.

The NGOs signatories to this statement call on the United Nations in general and the Human Rights Council in particular to:

- Ensure that all human rights violations in Iraq during the sanctions and the invasion and occupation be investigated by an international independent body.
- Undertake all measures possible to end the current state of impunity within Iraq and with regard to the culpability and responsibilities of the occupying powers.
- Appoint a UN Special Rapporteur for the Human Rights situation in Iraq.

[20] UNICEF, State of The World's Children 2015 Country Statistical Information 2009-2013 http://www.unicef.org/infobycountry/iraq_statistics.html